

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

<b>WPS Energy Services, Inc.</b>	<b>)</b>	<b>Docket Nos. ER96-1088-046</b>
<b>WPS Empire State, Inc.</b>	<b>)</b>	<b>ER02-2199-011</b>
<b>WPS Beaver Falls Generation, Inc.</b>	<b>)</b>	<b>ER03-54-011</b>
<b>WPS Syracuse Generation, Inc.</b>	<b>)</b>	<b>ER03-56-011</b>
<b>WPS Westwood Generation, DDC</b>	<b>)</b>	<b>ER01-1114-012</b>
<b>Advantage Energy, Inc.</b>	<b>)</b>	<b>ER97-2758-019</b>

**NOTICE OF INTERVENTION  
OF  
THE MAINE PUBLIC UTILITIES COMMISSION**

The Maine Public Utilities Commission (“MPUC”), by and through counsel, Lisa Fink, State of Maine Public Utilities Commission, 242 State Street, 18 State House Station, Augusta, Maine 04333-0018, and Lisa S. Gast, Duncan, Weinberg, Genzer & Pembroke, P.C., 1615 M Street, NW, Suite 800, Washington, DC 20036, respectfully files this Notice of Intervention (“Intervention”) in the above-captioned proceeding regarding the February 29, 2008 filing by five subsidiaries of Integrys Energy Group, Inc. (collectively, the “Integrys Northeast Companies” or the “Applicants”) of a request for Category 1 status as established by Order No. 697. In support of the MPUC’s Intervention, the MPUC states as follows:

**I. PRELIMINARY STATEMENT**

This Notice of Intervention and Protest is filed pursuant to Rules 212 and 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (“Commission”), 18 C.F.R. §§ 385.212 and 385.214 (2007), and the Commission’s

March 10, 2008 Combined Notice of Filings #1, in which the Commission established March 21, 2008, as the date by which interventions and protests are to be filed.

The persons to whom correspondence, pleadings, and other papers in relation to this proceeding should be addressed and the persons whose names are to be placed on the Commission's official service list are designated as follows pursuant to Rule 203, 18 C.F.R. § 385.203 (2007):

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## **II. NOTICE OF INTERVENTION**

Under Maine law, the MPUC is the state commission designated by statute with jurisdiction over rates and service of electric utilities in the state. *See* 35-A M.R.S.A. § 101 *et seq.* It is, therefore, a “state commission” under the Commission’s regulations, 18 C.F.R. § 1.101(k) (2006). Accordingly, the MPUC hereby gives notice of its intervention pursuant to Rule 214(a)(2), 18 C.F.R. § 385.214(a)(2) (2007) and respectfully requests that the Commission recognize the MPUC as an intervenor in this proceeding, with all rights attendant thereto.

### **III. BACKGROUND AND DESCRIPTION OF FILING**

On February 29, 2008, the Integrys Northeast Companies filed an application with the Commission requesting Category 1 status, as established by the Commission's Order No. 697.<sup>1</sup> Order No. 697 permitted Category 1 sellers to retain their market-based rate authority but exempted them from the requirement to make a triennial submission demonstrating that they lack market power.<sup>2</sup> Order No. 697 defined Category 1 sellers as those sellers of electricity that own or control 500 MW or less of generating capacity and satisfy certain other criteria.<sup>3</sup>

In the alternative, the Applicants argue that, should the Commission determine that they meet the criteria for Category 2 status owing to their purchase of the energy equivalent of approximately 1500 MW of the "Firm LD" product as defined by the EEI Master Power Agreement Purchase and Sale Agreement in the PJM region, the Commission should grant them an exemption from Category 2 status because they "clearly lack the ability to exercise market power in the Northeast Region."<sup>4</sup>

The Applicants state that this filing does not include consideration of assets owned by its Northern Maine Independent System Operator ("NMISA") affiliates. Specifically, the filing states that "the Applicants' NMISA affiliates plan to make an Order No. 697 filing for their NMISA operations in June 2008."<sup>5</sup>

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<sup>1</sup> Market-Based Rates for Wholesale Sales of Electric Energy, Capacity and Ancillary Services by Public Utilities, Order No. 697, 119 FERC ¶ 61,295 (2007), 72 Fed. Reg. 39,904 (July 20, 2007), FERC Stats. & Regs. ¶ 31,252 (2007).

<sup>2</sup> *Id.* at P 848.

<sup>3</sup> *Id.* at P 849 n.1000.

<sup>4</sup> Application at 3.

<sup>5</sup> Application at 11.

**IV. CONCLUSION**

**WHEREFORE**, the Maine Public Utilities Commission hereby submits its notice of intervention in this proceeding.

Dated: March 21, 2008

Respectfully submitted,

/s/ Lisa S. Gast

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing document upon each person designated on the service list compiled by the Secretary in this proceeding either by U.S. Mail or electronic service, as appropriate. Dated at Washington, D.C., this 21st day of March, 2008.

/s/ Harry A. Dupre  
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